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Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ISMAEL LOPEZ and ANGELA
VILLAREAL,

Plaintiffs,

vs.

MERCK & CO., INC., and DOES 1-10,
Defendants.

No. C 05-03130 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER
STAYING PROCEEDINGS PENDING
TRANSFER TO *IN RE VIOXX PRODUCTS*
LIABILITY LITIGATION, MDL NO. 1657**

1 The parties, by and through their counsel, stipulate to and respectfully request a stay of all
 2 proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability*
 3 *Litigation*, MDL No. 1657.

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 5 Plaintiffs allege personal injuries and loss of consortium attributed to the prescription drug
 6 VIOXX®. Defendant Merck & Co., Inc. ("Merck") manufactured and distributed VIOXX®, but
 7 voluntarily withdrew VIOXX® from the market on September 30, 2004.

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 9 On February 16, 2005, the Judicial Panel on Multidistrict Litigation ("JPML") issued an
 10 order transferring 148 VIOXX®-related cases to the United States District Court for the Eastern
 11 District of Louisiana for coordinated pretrial proceedings under 28 U.S.C. § 1407. Merck intends to
 12 seek the transfer of this action to that Multidistrict Litigation, *In re VIOXX Products Liability*
 13 *Litigation*, MDL No. 1657, and will provide the JPML with notice of this action pursuant to the
 14 procedure for "tag along" actions set forth in the rules of the JPML. A stay will potentially conserve
 15 judicial resources and will not cause unfair prejudice to the parties. *See Rivers v. Walt Disney Co.*,
 16 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (stay pending MDL transfer decision action would further
 17 judicial economy because "any efforts on behalf of this Court concerning case management will
 18 most likely have to be replicated by the judge that is assigned to handle the consolidated litigation").

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1 Based on the foregoing, the parties respectfully request that the Court stay this action
2 pending its transfer to MDL No. 1657.

3 DATED: August 3, 2005.

4 REED SMITH LLP

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6 By Dana Stanton FOR
7 Steven J. Boranian
8 Attorneys for Defendant
Merck & Co., Inc.

9 DATED: August 5, 2005.

10 FURTADO JASPOVICE & SIMMONS

11
12 By [Signature]
13 Richard J. Simons
14 Attorneys for Plaintiffs
Ismael Lopez And Angela Villareal,

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18 **ORDER**

19 Having considered the foregoing stipulation and good cause appearing therefore, IT IS SO
20 ORDERED.

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22 DATED: August 26, 2005

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24 Jeffrey S. White
25 United States District Judge
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